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9 UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
11 EUREKA DIVISION

12 GREGORY JONES and DARLENE CASE NO.: CV 08-3222 NJV
JONES, as successors in interest to Eric
13 Jones; GREGORY JONES, an individual; ANSWER TO COMPLAINT
and DARLENE JONES, an individual, [Jury Trial Requested]

14 Plaintiffs,

15 vs.

16 COUNTY OF DEL NORTE,
CALIFORNIA, a political subdivision of
17 the State of California; RAMSAY
WILLIAMSON, an individual; and DOES
18 1 through 10 inclusive,

19 Defendants.
20

21 Defendants RAMSEY WILLIAMSON, erroneously named RAMSAY WILLIAMSON,
22 and COUNTY OF DEL NORTE answer the complaint on file herein as follows:

23 INTRODUCTION

24 1. Answering paragraph 1 of the complaint, defendants admit that Eric Jones was
25 pulled over by members of the Del Norte County Sheriff's Department on May 16, 2008.
26 Defendants lack sufficient information or belief to admit or deny the remaining

1 allegations in the first two sentences of said paragraph, and based on such lack of
2 information or belief, defendants deny each and every, all and singular, generally and
3 specifically the remaining allegations contained therein. Answering the remaining
4 sentences of paragraph 1, defendants admit that a dog was shot for officer protection,
5 after which Eric Jones was struck with two bullets, killing him, in self-defense. Further
6 responding to paragraph 1, defendants deny each and every, all and singular, generally
7 and specifically the remaining allegations contained therein.

8 9 **JURISDICTION AND VENUE**

10 2. Answering paragraphs 2 through 4, inclusive, defendants do not dispute the
11 grounds upon which plaintiffs assert jurisdiction and venue, but deny that a factual or
12 legal basis exists for their claims.

13 **PARTIES**

14 3. Answering paragraphs 5 and 6, inclusive, defendants lack sufficient
15 information or belief to admit or deny the allegations, and based on such lack of
16 information or belief, defendants deny each and every, all and singular, generally and
17 specifically the remaining allegations contained therein.

18 4. Answering paragraphs 7 and 8, inclusive, defendants admit that Ramsay
19 Williamson was acting within the course and scope of his employment when attempting
20 to lawfully detain the decedent for investigative purposes on May 16, 2008; and, while
21 specifically denying any liability and/or damages for "each of the acts alleged in this
22 complaint," defendants admit the remaining allegations contained therein.

23 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

24 5. Answering paragraphs 9 and 10, inclusive, while specifically denying any
25 liability and/or damages arising from "the conduct alleged in the complaint," defendants
26 admit that the County of Del Norte received governmental claims from Darlene Jones

1 and Greg A. Jones on or about June 16, 2008, and defendants admit these claims were
2 rejected on June 18, 2008. Further answering the allegations in said paragraphs,
3 defendants deny each and every, all and singular, generally and specifically, the
4 allegations contained therein.

5 **ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**

6 6. Answering the allegations of the first two sentences of paragraph 11,
7 defendants lack sufficient information or belief to admit or deny the allegations, and
8 based on such lack of information or belief, defendants deny each and every, all and
9 singular, generally and specifically the remaining allegations contained therein.
10 Answering the third sentence of paragraph 11, defendants admit the allegations contained
11 therein.

12 7. Answering the allegations of paragraph 12, defendants deny each and
13 every, all and singular, generally and specifically, the allegations contained therein.

14 8. Answering the allegations of paragraph 13, defendants admit that attempts
15 were made to ascertain whether decedent had a weapon. Further answering the
16 allegations in said paragraph, defendants deny each and every, all and singular, generally
17 and specifically, the allegations contained therein.

18 9. Answering the allegations of paragraph 14, defendants admit that one dog
19 ran out of the vehicle, and defendants affirmatively allege that decedent commanded a
20 second dog to exit the vehicle and attack an officer, which dog defendants admit was
21 ultimately disabled by Deputy Williamson. Further answering the allegations in said
22 paragraph, defendants deny each and every, all and singular, generally and specifically,
23 the allegations contained therein.

24 10. Answering the allegations of paragraph 15, defendants admit that decedent
25 was shot twice after a dog was disabled, and defendants affirmatively allege the shots
26 were made in self-defense and in accordance with proper policies and procedures

1 defendants lack sufficient information or belief to admit or deny the allegations, and
2 based on such lack of information or belief, defendants deny each and every, all and
3 singular, generally and specifically the remaining allegations contained therein.

4 11. Answering the allegations of paragraph 16, defendants admit that Deputy
5 Williamson knew decedent's two vehicle tires had been disabled by a spike strip, and
6 defendants affirmatively allege he knew decedent was suspected of committing a felony.
7 Further answering the allegations of said paragraph, defendants deny each and every, all
8 and singular, generally and specifically, the remaining allegations contained therein.

9 12. Answering the allegations of paragraphs 17 through 20, inclusive, defendants
10 affirmatively allege that Deputy Williamson used such force as was reasonably necessary
11 under the circumstances, in self-defense, and in accordance with proper policies,
12 customs, practices and/or procedures; and, defendants otherwise deny each and every, all
13 and singular, generally and specifically, the remaining allegations contained therein.

14 **FIRST CLAIM FOR RELIEF**

15 13. Answering paragraph 22, defendants incorporate by reference each and
16 every affirmative allegation, admission and denial responsive to the paragraphs of
17 plaintiffs' complaint incorporated by reference in paragraph 22, as if fully set forth
18 herein.

19 14. Answering the allegations of paragraphs 23 through 28, inclusive,
20 defendants affirmatively allege that Deputy Williamson used such force as was
21 reasonably necessary under the circumstances, in self-defense, and in accordance with
22 proper policies, customs, practices and/or procedures; and, defendants otherwise deny
23 each and every, all and singular, generally and specifically, the remaining allegations
24 contained therein.

25 **SECOND CLAIM FOR RELIEF**

26

1 15. Answering paragraph 29, defendants incorporate by reference each and
2 every affirmative allegation, admission and denial responsive to the paragraphs of
3 plaintiffs' complaint incorporated by reference in paragraph 29, as if fully set forth
4 herein.

5 14. Answering the allegations of paragraphs 30 through 33, inclusive,
6 defendants affirmatively allege that Deputy Williamson used such force as was
7 reasonably necessary under the circumstances, in self-defense, and in accordance with
8 proper policies, customs, practices and/or procedures; and, defendants otherwise deny
9 each and every, all and singular, generally and specifically, the remaining allegations
10 contained therein.

11 **THIRD CLAIM FOR RELIEF**

12 15. Answering paragraph 34, defendants incorporate by reference each and
13 every affirmative allegation, admission and denial responsive to the paragraphs of
14 plaintiffs' complaint incorporated by reference in paragraph 34, as if fully set forth
15 herein.

16 16. Answering the allegations of paragraphs 35 through 41, inclusive,
17 defendants affirmatively allege that Deputy Williamson used such force as was
18 reasonably necessary under the circumstances, in self-defense, and in accordance with
19 proper policies, customs, practices and/or procedures; and, defendants otherwise deny
20 each and every, all and singular, generally and specifically, the remaining allegations
21 contained therein.

22 **FOURTH CLAIM FOR RELIEF**

23 17. Answering paragraph 42, defendants incorporate by reference each and
24 every affirmative allegation, admission and denial responsive to the paragraphs of
25 plaintiffs' complaint incorporated by reference in paragraph 42, as if fully set forth
26 herein.

1 16. Answering the allegations of paragraphs 43 through 48, inclusive,
2 defendants affirmatively allege that Deputy Williamson used such force as was
3 reasonably necessary under the circumstances, in self-defense, and in accordance with
4 proper policies, customs, practices and/or procedures; and, defendants otherwise deny
5 each and every, all and singular, generally and specifically, the remaining allegations
6 contained therein.

7 **FIFTH CLAIM FOR RELIEF**

8 17. Answering paragraph 49, defendants incorporate by reference each and
9 every affirmative allegation, admission and denial responsive to the paragraphs of
10 plaintiffs' complaint incorporated by reference in paragraph 49, as if fully set forth
11 herein.

12 18. Answering paragraph 50 of the complaint, defendants admit that the
13 County of Del Norte has duties to reasonably train and supervise members of the Del
14 Norte County Sheriff's Department. Further answering said paragraph, defendants
15 otherwise deny each and every, all and singular, generally and specifically, the remaining
16 allegations contained therein.

17 19. Answering the allegations of paragraphs 51 through 55, inclusive,
18 defendants affirmatively allege that Deputy Williamson used such force as was
19 reasonably necessary under the circumstances, in self-defense, and in accordance with
20 proper policies, customs, practices and/or procedures; and, defendants otherwise deny
21 each and every, all and singular, generally and specifically, the remaining allegations
22 contained therein.

23 **FIFTH CLAIM FOR RELIEF**

24 20. Answering paragraph 56, defendants incorporate by reference each and
25 every affirmative allegation, admission and denial responsive to the paragraphs of
26

1 plaintiffs' complaint incorporated by reference in paragraph 56, as if fully set forth
2 herein.

3 21. Answering paragraphs 57 and 58, inclusive, defendants lack sufficient
4 information or belief to admit or deny the allegations, and based on such lack of
5 information or belief, defendants deny each and every, all and singular, generally and
6 specifically the allegations contained therein.

7 22. Answering the allegations of paragraphs 59, defendants otherwise deny
8 each and every, all and singular, generally and specifically, the allegations contained
9 therein.

10 23. Answering paragraphs 60, defendants deny each and every, all and singular,
11 generally and specifically the allegations contained in the first 14 words of said
12 paragraph; and, lack sufficient information or belief to admit or deny the remaining
13 allegations contained in said paragraph, and based on such lack of information or belief,
14 defendants deny each and every, all and singular, generally and specifically the remaining
15 allegations contained therein.

16 24. Answering paragraphs 61, defendants lack sufficient information or belief
17 to admit or deny the allegations, and based on such lack of information or belief,
18 defendants deny each and every, all and singular, generally and specifically the
19 allegations contained therein.

20
21
22 WHEREFORE, defendants pray for judgment as set forth hereinafter.

23
24 **AFFIRMATIVE DEFENSES**

1 AS AND FOR A FIRST AFFIRMATIVE DEFENSE, to each purported cause of
2 action, defendants allege that, as to each plaintiff, each purported cause of action fails to
3 state facts sufficient to constitute a cause of action against these answering defendants,
4 and each of them, and that the complaint fails to state a cause of action against any
5 answering defendant.

6 AS AND FOR A SECOND AFFIRMATIVE DEFENSE, defendants state that the
7 injuries and damages plaintiffs complain of, if any, resulted from the acts and/or
8 omissions of others unassociated with the County of Del Norte, and without any fault on
9 the part of these answering defendants.

10 AS AND FOR A THIRD AFFIRMATIVE DEFENSE, defendants allege that the
11 individual defendants are entitled to absolute immunity and/or qualified immunity from
12 liability based on their good faith in the propriety of their actions and the reasonable
13 grounds for that belief.

14 AS AND FOR A FOURTH AFFIRMATIVE DEFENSE, defendants allege on
15 information and belief that plaintiffs have failed to mitigate their damages.

16 AS AND FOR A FIFTH AFFIRMATIVE DEFENSE, defendants allege that the
17 individual defendant was an employee of the County of Del Norte in doing the acts and
18 things set forth in the complaint herein, and that said defendant was acting with the
19 discretion vested in him by law, and that plaintiff is barred from recovery against said
20 defendant by virtue of §820.2 of the California Government Code. Likewise, defendant
21 County of Del Norte is not liable therefore by virtue of the provisions of §820.2 and
22 §815.2(b) of the California Government Code.

23 AS AND FOR AN SIXTH AFFIRMATIVE DEFENSE, defendants allege that the
24 individual defendant was an employee of the County of Del Norte in doing the acts and
25 things set forth in the complaint herein, and that said defendant was acting with the
26 discretion vested in him by law, and that plaintiffs are barred from recovery against said

1 defendants by virtue of §820.4 of the California Government Code. Likewise, defendant
2 County of Del Norte is not liable therefore by virtue of the provisions of §820.4 and
3 §815.2(b) of the California Government Code.

4 AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE, defendants allege that
5 the individual defendant was an employee of the County of Del Norte in doing the acts
6 and things set forth in the complaint herein, and that said defendant was acting with the
7 discretion vested in him by law, and that plaintiffs are barred from recovery against said
8 defendants by virtue of §820.6 of the California Government Code. Likewise, defendant
9 County of Del Norte is not liable therefore by virtue of the provisions of §820.6 and
10 §815.2(b) of the California Government Code.

11 AS AND FOR AN EIGHTH AFFIRMATIVE DEFENSE, defendants allege that
12 the individual defendant was an employee of the County of Del Norte in doing the acts
13 and things set forth in the complaint herein, and that said defendant was acting with the
14 discretion vested in him by law, and that plaintiffs are barred from recovery against said
15 defendants by virtue of §820.8 of the California Government Code. Likewise, defendant
16 County of Del Norte is not liable therefore by virtue of the provisions of §820.8 and
17 §815.2(b) of the California Government Code.

18 AS AND FOR A NINTH AFFIRMATIVE DEFENSE, defendants allege that
19 defendant County of Del Norte is not liable therefore by virtue of the provisions of
20 §818.2 of the California Government Code.

21 AS AND FOR A TENTH AFFIRMATIVE DEFENSE, defendants allege that the
22 individual defendant was an employee of the County of Del Norte in doing the acts and
23 things set forth in the complaint herein, and that said defendant was acting with the
24 discretion vested in him by law, and that plaintiffs are barred from recovery against said
25 defendants by virtue of § 821 and §821.6 of the California Government Code. Likewise,
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1 defendant County of Del Norte is not liable therefore by virtue of the provisions of
2 §821.6 and §815.2(b) of the California Government Code.

3 AS AND FOR AN ELEVENTH AFFIRMATIVE DEFENSE, defendants allege
4 that defendant County of Del Norte is not liable therefore by virtue of the provisions of
5 §820(b) of the California Government Code.

6 AS AND FOR A TWELFTH AFFIRMATIVE DEFENSE, defendants allege that
7 the individual defendant was an employee of the County of Del Norte in doing the acts
8 and things set forth in the complaint herein, and that said defendant was acting with the
9 discretion vested in him by law, and that plaintiff is barred from recovery against said
10 defendant by virtue of §822.2 of the California Government Code. Likewise, defendant
11 County of Del Norte is not liable therefore by virtue of the provisions of §822.2 and
12 §815.2(b) of the California Government Code.

13 AS AND FOR A THIRTEENTH AFFIRMATIVE DEFENSE, defendant County
14 of Del Norte alleges that it is immune from liability pursuant to the provisions of §815(a)
15 and §815.2(b) of the California Government Code.

16 AS AND FOR A FOURTEENTH AFFIRMATIVE DEFENSE, defendants allege
17 that the matters alleged in the complaint were exercised with reasonable diligence in the
18 discharge of duties imposed on the public entity, and defendants are therefore immune
19 from suit pursuant to §815.6 of the California Government Code.

20 AS AND FOR A FIFTEENTH AFFIRMATIVE DEFENSE, defendants allege
21 that the County of Del Norte and the individually named defendants, their agents,
22 servants, and representatives, did not engage in any policy or practice violative of the
23 civil rights of decedent.

24 AS AND FOR A SIXTEENTH AFFIRMATIVE DEFENSE, defendants allege on
25 information and belief that this court lacks subject matter jurisdiction over the matters set
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1 forth in the complaint, in that the facts are not sufficient to state a cause of action for
2 violation of Federal civil rights.

3 AS AND FOR A SEVENTEENTH AFFIRMATIVE DEFENSE, defendants
4 allege they are immune from suit pursuant to Government Code §§844.6 and 845.

5 AS AND FOR AN EIGHTEENTH AFFIRMATIVE DEFENSE, defendants allege
6 on informative and belief, to the extent plaintiffs have or may attempt to allege pendent
7 State claims, such claims are barred by virtue of the provisions of §§900 et seq. of the
8 California Government Code.

9 AS AND FOR A NINTHEENTH AFFIRMATIVE DEFENSE, defendants allege
10 that plaintiffs are barred from recovery of exemplary and/or punitive damages from
11 defendant Del Norte County, or any subdivision therein or from any individual defendant
12 named in their official capacity by virtue of the provisions of §818 of the California
13 Government Code as well as applicable federal law.

14 AS AND FOR A TWENTIETH AFFIRMATIVE DEFENSE, defendants allege
15 that any claim for exemplary and/or punitive damages is violative of the provisions of the
16 United States Constitution.

17 AS AND FOR A TWENTY-FIRST AFFIRMATIVE DEFENSE, defendants
18 allege that they are immune from suit pursuant to the Eleventh Amendment of the United
19 States Constitution.

20 AS AND FOR A TWENTY-SECOND AFFIRMATIVE DEFENSE, defendants
21 cannot fully anticipate all affirmative defenses that may be applicable to this action;
22 accordingly, defendants expressly reserve the right to assert additional defenses if and to
23 the extent such affirmative defenses become applicable throughout the pendency of this
24 action.

25 AS AND FOR A TWENTY-THIRD AFFIRMATIVE DEFENSE, defendants
26 allege that defendants' acts were privileged under applicable statutes and case law.

1 AS AND FOR A TWENTY-FOURTH AFFIRMATIVE DEFENSE, defendant
2 COUNTY OF DEL NORTE alleges that plaintiff has failed to state a claim for relief
3 under Monell and associated case law.

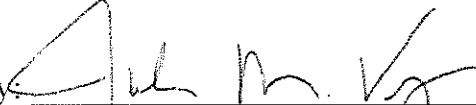
4 Defendants demand a jury.

5 WHEREFORE, defendants pray that:

- 6 1. Plaintiffs take nothing by their complaint on file herein;
7 2. Defendants have judgment against plaintiffs;
8 3. Defendants be awarded their costs of suit;
9 4. Defendants be awarded reasonable attorneys' fees under Rule 11 and/or on
10 the ground that the action is brought without a good faith belief that the facts or
11 applicable law support recovery;
12 5. Defendants be awarded reasonable attorneys' fees pursuant to California
13 Code of Civil Procedure Section 1021.7 on the ground that the purported State claims are
14 brought without a good faith belief that the facts or applicable law support recovery; and
15 6. For such other and further relief as the Court deems proper.

16
17 DATED: July 29, 2008

MITCHELL, BRISSO, DELANEY & VRIEZE

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19 By: 

John M. Vrieze
Attorneys for Defendants